

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6874 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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JAIMALBHAI V DESAI

Versus

DIRECTOR OF TRANSPORT

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Appearance:

MR PK JANI for Petitioner

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 09/09/96

ORAL JUDGEMENT

Notice to the respondents returnable today.

Learned Assistant Government Pleader Mr.Gharania has, at the request of the court, accepted notice on behalf of the respondents herein and has waived service of notice for the respondents.

2. The petitioner was appointed as a Junior Clerk under the respondent No.2 and was posted at Ahmedabad on 1-3-1977. He was transferred to Mahesana on 5-9-1981. Thus, the petitioner has continued to work at Mahesana except for a short period of 3 months in the year 1995 when he was temporarily transferred at Valsad. The petitioner, thus, having served at Mahesana practically for nearly 15 years, the order of his transfer at Ahmedabad need not be interfered with.

3. However, learned advocate Mr.Jani appearing for the petitioner submits that on account of his family circumstances and on account of his midterm transfer, the petitioner would suffer hardships and the education of the petitioner's children may be adversely affected. In view of the personal hardships to the petitioner, the petitioner may make a representation to the respondent No.1 for necessary accommodation. If such a representation is made, the respondent No.1 shall decide

the same within a period of 4 weeks from the date of receipt of such representation and shall communicate its decision to the petitioner. The decision taken on such representation shall be binding to the petitioner.

4. Subject to the aforesaid direction, the petition is summarily rejected. Notice is discharged. Direct service is permitted.

Date : 9-9-1996. (Ms.R.M.Doshit,J.)